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Review Application (Writ) No.227 of 2022
Against W.P.No.11158 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**Review Application (Writ) No.227 of 2022
Against
W.P.No.11158 of 2022**

R.Venugopal (a) Raja

... Petitioner

Vs.

1.K.A.Manikantan

2.The Sub – Registrar,
Kundrathur Sub Registrar Office,
Sammandam Nagar Main Road,
Kundrathur,
Chennai – 600 069.

... Respondents

Prayer:

Review application filed under Order 47 Rule 1 read with Section 114 of Civil Procedure Code praying to review the order passed in W.P.No.11158 of 2022 dated 28.04.2022.

For Petitioner : Mr.Niranjan Rajagopalan

For Respondent : Mr.R.Jayaprakash for R1
Mr.E.Vijay Anand for R2
Additional Government Pleader



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ORDER

This review application has been filed to review the order dated 28.04.2022 passed in W.P.No.11158 of 2022.

2.The case of the petitioner is that the petitioner is a money lender and the first respondent/ writ petitioner obtained loan from the petitioner to settle the loan availed from another firm and executed promissory note in favour of the petitioner and guaranteed to mortgage scheduled property for the loan dues. Thereafter, the first respondent neither paid the loan amount nor mortgaged the scheduled property in favour of the petitioner as guaranteed.

3.The further case of the petitioner is that while such being the position, the first respondent entered into an agreement of sale with one Narayanaswamy and presented the same for registration, however, the same was refused by the second respondent on the ground that no parent document was produced. Challenging the said refusal, the first respondent filed W.P.No.11158 of 2022 before this Court and this Court vide order dated 28.04.2022, allowed the writ petition by following the decision of the Madurai Bench of this Court



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made in W.P.(MD) No.19745 of 2020, dated 11.02.2021. Aggrieved by the order, the petitioner has filed this review petition.

4.The learned counsel appearing for the petitioner submitted that the decision of the Madurai Bench of this Court made in W.P.(MD) No.19745 of 2020, dated 11.02.2021 as well as the decision of the Hon'ble Division Bench of this Court reported in (2020) 6 CTC 697 [N.Ramayee Vs. Sub-Registrar, Registration Department and Another], are contrary to Section 69 of the Registration Act. However, that issue cannot be adjudicated before this Court since this Court is not competent to parry the decision rendered by the Hon'ble Division Bench of this Court.

5.The learned counsel appearing for the petitioner further submitted that the petitioner, pursuant to the order passed by this Court in W.P.No.11158 of 2022, has filed O.S.No.179 of 2022 before the District Munsif Court, Kancheepuram, seeking to set aside the sale deed executed by the first respondent in favour of Narayanaswamy. However, the order passed by this Court in W.P.No.11158 of 2022, dated 28.04.2022, may influence the mind of the learned Judge while



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deciding the suit in O.S.No.179 of 2022. Hence, this Court may issue direction to the District Munsif Court, Kancheepuram, to decide the suit in O.S.No.179 of 2022, without being influenced by any of the observations made in the order of this Court in W.P.No.11158 of 2022, dated 28.04.2022.

6.The learned counsel appearing for the first respondent submitted that already the first respondent disclosed about the execution of sale deed to the petitioner, however, the learned counsel raise no serious objection for this Court considering the request made by the learned counsel appearing for the petitioner.

7.Heard the learned counsel appearing for the petitioner, the learned counsel appearing for the first respondent and the learned Additional Government Pleader appearing for the second respondent.

8.The grievance of the petitioner is that the order of this Court dated 28.04.2022 made in W.P.No.11158 of 2022 will have a bearing in the mind of the learned District Munsif, Kancheepuram, while deciding the suit in O.S.No.179 of 2022.



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9.In view of the above, this Court directs the learned District Munsif, Kancheepuram, to decide the issue inbetween the petitioner and the first respondent in the suit in O.S.No.179 of 2022, without being influenced by any of the observations made in the order of this Court in W.P.No.11158 of 2022, dated 28.04.2022 and in the contents of the sale deed executed by the first respondent.

10.The review application is accordingly disposed of. No costs.

07.11.2022

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

1.The Sub – Registrar,
Kundrathur Sub Registrar Office,
Sammandam Nagar Main Road,
Kundrathur,
Chennai – 600 069.



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M.DHANDAPANI,J.
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